

REMARKS

Claims 1-12 are currently pending in the patent application. In the Final Office Action for the parent application, the Examiner had finally rejected Claims 1-5 and 7-11 and had indicated that Claims 6 and 12 would be allowed if rewritten in independent format. Applicants submitted an Amendment After Final to place Claims 2-10 and 12 in condition for allowance.

By this amendment, Applicants herein cancel those claims which have been allowed in the parent application. Applicants again present Claims 1 and 11, and present new Claims 13-18 and 19-26 which depend, respectively from claims 11 and 1. Claims 19-26 parallel the original claims 2-5 and 7-10 which had been amended to depend from allowable Claim 6 in the parent application.

In the parent application, the independent Claims 1 and 11 have been rejected as anticipated by Thomas. The Thomas patent publication teaches a method and apparatus for performing surveys electronically over a network. A survey is prepared by a requester and then a group of survey

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respondents is selected from a pool of preregistered participants to receive the survey on-line. Applicants respectfully assert that the Thomas disclosure does not anticipate the claim language since the present claims explicitly recite the steps of establishing a predetermined group before a message is received from a first member and that the first member is a member of that group. The Thomas survey requester is not a member of the Thomas group. Further, the group is determined by Thomas after the submission of the survey request, and is not predetermined. Clearly, therefore, the Thomas patent teachings do not anticipate the invention as claimed.

In fact, it can be concluded that Thomas teaches away from the survey requester being a member of the responding group, since Thomas does not teach or suggest that the survey requester be included in the group of survey participants but teaches that the survey requester identify desired participants (see: page 5, left column, lines 1-10). As noted by the Examiner on page 3 of the Office Action, it would bias the results of a query to have the person who generates the query also respond to the query. Accordingly, it would not be obvious, and would teach away from the

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invention as claimed (and render Thomas unworkable), to have Thomas include the survey requester in the group of survey participants.

Applicants also contend that the Thomas patent document does not teach or suggest that a query or set of queries be defined based on messages received from one or a plurality of group members. Under the Thomas teachings, the survey is prepared by the requester. In contrast, however, the present invention calls for the query to be defined by the system based on the request. Clearly the Thomas teachings do not anticipate the invention as it is presently claimed.

Applicants also note that the claims expressly call for sending the analysis to the predetermined group, or a portion thereof. Applicants again note that, in Thomas, the survey requester is not a member of the group to which the survey is disseminated. Therefore, sending the survey results to the survey requester is neither the same as nor suggestive of sending the analysis to the group.

For a patent to anticipate another invention under 35 USC § 102(e), the patent must clearly teach each and every claimed feature of the anticipated invention. Since the Thomas patent publication clearly does not teach the

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establishing of a predetermined group as claimed, does not teach the sending of a query based on a message from a first group member to the group, and does not teach sending the analysis to the group, it cannot be maintained that the Thomas patent publication anticipates each and every claim feature. In light of the fact that the Thomas patent publication does not show each and every feature of the claimed invention, Applicants believe that the rejection based on 35 USC § 102(e) was inappropriate.

Claim 7, which parallels present Claims 17 and 23, had been rejected as unpatentable over Thomas in view of Liff. The Examiner relied on the earlier analysis of the Thomas patent publication teachings and further asserts that Liff teaches requiring group members to respond, since Liff suggests such terms for subscription. Applicants respectfully assert that even if one were to modify Thomas with the Liff subscription teachings, such that the Thomas survey participants would be required to respond, one would not arrive at the present invention since neither Liff nor Thomas teaches the establishing of a predetermined group as claimed, the sending of a query based on a message from a first group member to the group, or the sending of the

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analysis to the group, as expressly recited for Claims 17 and 23.

Claims 8-10, which parallel presently presented Claims 18 and 24-26, had been rejected as unpatentable over Thomas in view of Harple. The Harple reference is cited for its teachings that on-line collaborators can choose to have their input remain anonymous. Applicants respectfully assert that, even if one were to modify Thomas with Harple, such that the survey participants could remain anonymous, one would not arrive at the invention as claimed since neither Harple nor Thomas teaches the establishing of a predetermined group as claimed, the sending of a query based on a message from a first group member to the group, or the sending of the analysis to the group, as is expressly recited for Claims 18 and 24-26.

Claim 3, which parallels presently presented Claims 14 and 20 had been rejected as unpatentable over Thomas. The Examiner states that it would have been obvious to modify Thomas to include a step for the survey requester to review the survey prior to sending the survey to participants. Applicants note that even if such a modification were made, one would not arrive at the invention as claimed since the

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Thomas patent does not teach or suggest the establishing of a predetermined group as claimed, the sending of a query based on a message from a first group member to the group, or the sending of the analysis to the group.

Applicants request entry of the Preliminary Amendment and consideration of the presented arguments for the Divisional application.

Respectfully submitted,

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